

REMARKS

Claim 1 has been amended to more particularly point out and distinctly claim the applicants' invention. Accordingly, claims 1-21 remain for consideration in this application.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The Office Action suggests that some language in claim 1 is confusing, and thus renders the claim indefinite. Accordingly, claim 1 has been amended in order to clarify the language thereof. It is now clear that both the controller and the radio communication apparatus are "housed inside of the cover."

Claims 1-4 (as best understood by the Examiner) are rejected under 35 U.S.C. 102(b) as being anticipated by CA 2357699 (CA '699).

CA '699 discloses a remote control system for an outboard motor. More specifically, CA '699 discloses a command transmitter 20 from which an operator may enter commands to control the internal combustion engine. A command receiver 22 is positioned on the rear portion of the outboard motor, outside of the housing. The command receiver 22 is a radio communication apparatus. By manipulating switches 128 of command transmitter 20, signals are sent to the command receiver 22 for controlling the internal combustion engine. The Office Action refers to antenna 110, however CA '699 refers to this element as a receptor 110. Page 14, line 27 of CA '699 discloses that the signal sent from command transmitter 20 is received by receptor 110. Receptor 110 appears in Fig. 8 which, along with the other items in that schematic, are part of command receiver 22. It is not clear whether or not receptor 110 has an antenna. However, if it does, it is part of the command receiver 22 and is outside of the cover of the outboard motor. Furthermore, there is no indication that receptor 110 is "fixed to a surface of the cover along its surface." Figure 8 does not disclose this.

On the contrary, the instant invention as set forth in claim 1 is directed to an outboard motor having a controller and a radio communication apparatus connected together inside of the cover. Specifically, the language in claim 1, as amended, recites the following:

a controller for controlling the internal combustion engine
and a radio communication apparatus connected to the controller,
both of which are housed inside of the cover; ...

Thus, the advantages set forth in the specification are enabled by having both the controller and the radio communication apparatus inside of the cover.

On the contrary, neither the command transmitter 20 (referred to in the Office Action as a controller 20), nor the command receiver 22 (referred to in the Office Action as a radio communication apparatus), is “housed inside of the cover”, as required by amended claim 1.

Accordingly, since the command transmitter 20 and the command receiver 22 of CA ‘699 are not “housed inside of the cover” of the outboard motor, CA ‘699 cannot anticipate claim 1, since CA ‘699 does disclose each and every feature set forth in the claims. Claims 2-4 are all dependent from claim 1, and limited to the additional features set forth therein. Accordingly, it is submitted that claims 1-4 are patentable over the cited art. It is therefore respectfully requested that the rejection of claims 1-4 be withdrawn.

Applicants wish to thank the Examiner for the indication that claims 5-21 contain allowable subject matter.

In view of the amendments to the claims and specification, and the remarks set forth above, applicants submit that the Examiner’s rejections have been overcome. Accordingly, it is respectfully requested that claims 1-21 be allowed in this application passed to issue.

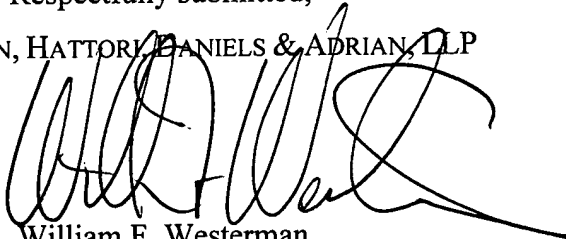
By: **Ryuichi KIMATA et al.**

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A large, stylized handwritten signature in black ink, appearing to read 'W. F. Westerman', is written over the printed name and firm name.

William F. Westerman
Attorney for Applicants
Registration No. 29,988
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

WFW/meu